

VZCZCXRO4406
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DE RUEHUJA #2229 2921502
ZNY CCCCC ZZH
P 191502Z OCT 07
FM AMEMBASSY ABUJA
TO RUEHC/SECSTATE WASHDC PRIORITY 1234
INFO RUEHZK/ECOWAS COLLECTIVE
RUEHOS/AMCONSUL LAGOS 8105
RHEBAAA/DEPT OF ENERGY WASHDC
RHEHNSC/NSC WASHINGTON DC
RUEAIIA/CIA WASHINGTON DC
RUEKDIA/DIA WASHDC
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STATE FOR AF/W, INR/AA, DOE FOR CAROLYN GAY

E.O. 12958: DECL: 10/17/2017

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SUBJECT: NIGERIA: BUHARI CONFIDENT IN ELECTORAL TRIBUNAL

Classified By: Political Counselor Walter N.S. Pfalumer for Reasons 1.4
(b & d).

¶1. (C) All Nigeria People's Party (ANPP) presidential candidate, Muhammadu Buhari, still believes that, given a fair judiciary with a just Chief Justice at its helm, the Presidential Electoral Tribunal will rule in Buhari's favor and overturn the April 21 election of President Umaru Yar'Adua. In a September 25 meeting with Plcouns at his Kaduna residence, Buhari bemoaned the Independent Electoral Commission's (INEC) hindering role in the conduct of the April elections and argued that INEC's failure to post voters' registers 90 days prior to the election, omission of serial numbers from ballot papers, and evidence that INEC failed to open polls on time or, in some cases, at all, bolsters his case. He also said the three-month window within which petitioners must amass the documentation necessary to prove their tribunal cases is too short.

¶2. (C) Added to this, Buhari argued, is the logistical and financial difficulty petitioners endure to travel from one local government area to another in search of evidence. Nevertheless, in Kaduna, Buhari said, petitioners have amassed documentation from 17 of the 32 local government areas in Kaduna state to buttress claims that the April elections were widely rigged. While the original documents, including voters' registers, tally and result sheets, and ballot papers have been deposited at banks for safe storage, Buhari noted, photocopies of these documents have been remitted to the gubernatorial election tribunal in Kaduna. Buhari complained that no elections at all took place across the South-South geopolitical zone and said that, in Taraba and Bauchi, only half the required number of ballots arrived on election day in the states.

¶3. (C) While Buhari admitted he does not personally know Supreme Court Chief Justice Idris Kutigi, he is emboldened by the Supreme Court's reputation for fairness and Kutigi's reported unwillingness to compromise or accept bribes. Also, Buhari believes the judiciary is both proactive and just. And unlike in 2003, when the Supreme Court refused to compel INEC to produce elections-related documents for inspection by petitioners, Buhari expressed satisfaction at the Presidential Election Tribunal's (albeit sluggish) willingness to force INEC to produce the documents.

¶4. (C) Although Buhari admitted that, at times, he has contemplated "giving up" his bid to contest the April 21 elections -- remarking that he does not know how long he can

continue to "knock his head against a wall" -- he asserted that it was in the interest of Nigeria and its democracy to forge ahead with his electoral tribunal challenge. Buhari also lamented the ANPP's decision to withdraw its petition against Yar'Adua. Confident that Yar'Adua's election will be overturned, Buhari admonished that to avoid political instability in the country following the "inevitable" annulment of the April polls, Yar'Adua should leave office with dignity. Moreover, Buhari praised the USG for coming out against Obasanjo's third term bid and pressuring, along with the European Union (EU), the GON "to act with honor and accept democratic reforms." He also commended USAID's democracy partners National Democratic Institute (NDI) and International Republican Institute (IRI) for their efforts to encourage and assist electoral preparations, despite INEC's apparent unwillingness to accept such help.

15. (C) Comment: Buhari's continues to believe the tribunal process and the legal system will find in his favor because of the justness of his case. While we respect his stand, we would be amazed if the process ends as he hopes. End comment.
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